

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Newark Division**

ANGEL AUGUSTO ROMERO LOPEZ,)	
)	
<i>Petitioner,</i>)	
)	
v.)	Civil Action No. 2:25-cv-16890
)	
KRISTI NOEM, Secretary of Homeland, Security et al.,)	
)	
<i>Respondents.</i>)	
)	

MOTION FOR ORDER TO SHOW CAUSE

Pursuant to 28 U.S.C. § 2243, Petitioner, by counsel, hereby requests that this Court issue an Order to Show Cause, requiring Respondents to justify the basis upon which Petitioner is detained. 28 U.S.C. § 2241(c)(1), (c)(3). In the alternative, Petitioner hereby requests that Respondents be ordered to Answer the Petition (ECF No. 1) pursuant to Rule 4. In support of this motion, Petitioner respectfully represents as follows:

1. Petitioner is a Honduran citizen who entered the United States without inspection in 2003, and was not encountered by immigration officials at the time of that entry. *See* Petition, Dkt. No. 1 at ¶ 34.

2. Fifteen years after his initial entry, Respondent U.S. Immigration and Customs Enforcement (ICE) issued a Notice to Appear to commence removal

proceedings against Petitioner. ECF No. 1-1. In those proceedings, Petitioner is seeking asylum (ECF No. 1-2) and cancellation of removal (ECF No. 1-3). Petitioner's next immigration court hearing is on Nov. 4, 2025. Pet. ¶ 39.

3. In July 2025, Respondent ICE issued a sweeping policy change, broadening the application of 8 U.S.C. § 1225(b)(2) mandatory detention to all “applicants for admission” which they have interpreted to mean any individual present in the United States without having been admitted. Pet. ¶¶ 21-24. In September 2025, the Board of Immigration Appeals upheld Respondents’ novel interpretation in *Matter of Yajure Hurtado*, denying bond hearings to individuals nationwide. 29 I. & N. Dec. 216 (BIA 2025). Pet. ¶¶ 25-32.

4. Twenty-two years after his entry, on September 29, 2025, Respondents detained Petitioner following a routine traffic stop. Pet. ¶ 37. Respondents have not afforded Petitioner a discretionary bond hearing (under 8 U.S.C. § 1226(a)) before an immigration judge for consideration of his release. Pursuant to their latest policy and the holding in *Yajure Hurtado*, Respondents believe that Petitioner is ineligible for a discretionary bond, and rather subject to mandatory detention under § 1225(b)(2) as he has been charged as an individual present in the United States who was not admitted. Pet. ¶ 41.

5. Without intervention by this Court, Petitioner will continue to languish in civil detention without access to basic process he is due under the law and our Constitution.

6. Moreover, Petitioner and his family face dire consequences from any delay in this matter. Petitioner was the sole breadwinner for his family and their household here in New Jersey. Pet. ¶ 40. Without Petitioner, his family, including his wife and 19-year-old son, are struggling to make ends meet. *Id.* His wife is experiencing increased medical complications due to the anxiety she is suffering from Petitioner's detention. *Id.* And Petitioner's son has also begun experiencing headaches and elevated blood pressure. *Id.*

7. As such, Petitioner has shown that he is entitled to an order to show cause. "Congress has provided that once a petition for a writ of habeas corpus is filed, unless the court is of the opinion that the petitioner is not entitled to an order to show cause, the writ must be awarded 'forthwith,' or an order to show cause must be issued. 28 U.S.C. s 2243." *Harris v. Nelson*, 394 U.S. 286, 298–99 (1969).

8. Alternatively, Petitioner has shown through his petition for a writ of habeas corpus (ECF No. 1) that he is clearly entitled to relief. Fed. R. Civ. Pro. 4.

9. Accordingly, unless this order is issued, Petitioner and his family will suffer immediate and irreparable injury.

WHEREFORE, Petitioner requests that this Court order Respondents to show cause why Respondents should not be ordered to provide Petitioner a bond hearing pursuant to 8 U.S.C. § 1226(a) within 15 days of the Court's order. Petitioner requests that Respondents be ordered to make a return within 15 days, with Petitioner's traverse due 10 days thereafter, pursuant to 28 U.S.C. § 2248.

Respectfully submitted,

Dated: October 24, 2025

/s/ Stephanie Elizabeth Gibbs
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Certificate of Service

I, the undersigned, hereby certify that on this date, I uploaded a copy of the foregoing, with all attachments thereto, to this Court's CM/CEF case management system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

Respectfully submitted,

Dated: October 24, 2025

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